

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

AS.No. 493 of 1994()

OS.69/1990 of SUB COURT, TIRUR
.....

APPELLANT: 1st DEFENDANT:

CHENATH MUHAMMAD'S SON CHEKUTTY,
RESIDING AT TRIKKANDIYUR AMSOM DESOM IN
TIRUR TALUK.

BY ADV. SRI T R G WARRIYAR & T R RAVI
SRI.T.R.RAVI
SRIC.M.MOHAMMED IQUABAL

RESPONDENTS: (PLAINTIFFS, D2 AND D4 TO D11)

1. THITHUMMU, S/O.CHENATH MUHAMMAD
TRIKKANDIYUR AMSOM AND DESOM
TIRUR TALUK.
2. SISTER RUKIYA, D/O.CHENATH MUHAMMAD
-DO- -DO-
3. SISTER PATHUMMA, D/O.CHENATH MUHAMMAD
-DO- -DO-
4. MARIYAKUTTY, D/O. CHENATH MUHAMMAD
-DO- -DO-
5. AMINU, W/O.KOLAVERE ABDUL CHEEMAKKAL MUHAMMED
-DO- -DO-
6. HAMZA, SON OF KOLAVERE ABDUL CHEEMAKKAL MUHAMMED
THALAKKAD AMSOM AND DESOM, TIRUR TALUK.
7. CHATHANATH MAMMAD'S CHILDREN MUHAMMAD ALIAS BAVA.
-DO- -DO-
8. FATHIMMA,
-DO- -DO-
9. SAINABA,
-DO- -DO-

: 2 :

10. ALI ALIAS SHAMSUDHEEN

-DO- -DO-

11. MUHAMMAD HANEEFA

-DO- -DO-

12. SHAHUL HAMEED

-DO- -DO-

BY ADV. SRI.N.SUBRAMANIAM
SRI.K.K.MOHAMED RAVUF

THIS APPEAL SUITS HAVING BEEN FINALLY HEARD
ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.PADMANABHAN NAIR, J.

A.S.No.493 OF 1994

Dated this the 5th September, 2007.

J U D G M E N T

The second respondent in the appeal died on 16.9.2000. The appellant also died on 12.10.2001. Strangers have filed petitions to get themselves impleaded as additional appellants after condoning the delay in filing the petition to set aside abatement and also to set aside abatement. Similar petitions are filed to implead the legal representatives of the deceased second respondent also. Today, I have dismissed all those applications. Without the legal representatives of the appellant and deceased second respondent, no effective decree can be passed in this appeal. So, the appeal is only to be disposed of as abated.

In the result, the appeal is closed as abated.

**K.PADMANABHAN NAIR,
JUDGE**

nj.

K.PADMANABHAN NAIR, J.

I.A.No.2552/2007, I.A.No.1166/2007,
I.A.No.2550/2007, I.A.No.2551/2007,
C.M.APPLN.NO.1227/2007, I.A.NO.2674/2007
AND I.A.NO.2675/2007 IN A.S.No.493 OF 1994

Dated this the 5th September, 2007.

ORDER

When these petitions came up for hearing, the learned counsel appearing for the appellant was absent. Hence, all these petitions are dismissed for non-prosecution.

**K.PADMANABHAN NAIR,
JUDGE**

nj.

K.PADMANABHAN NAIR, J.

A.S.No. 493 of 1994

J U D G M E N T

Dated: 5th September, 2007.
